

APPLICANT(S): Yellin, Daniel  
SERIAL NO.: 09/493,004  
FILED: January 28, 2000  
Page 9

#### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims are respectfully requested.

#### Status of Claims

Claims 1-3, 5-14, 21-25 and 28-32 are pending in the application. Claims 22-25 are allowed. Claims 4, 15-17, 19-20 and 26-27 are canceled.

Claims 1, 2, 6-8, 13, 14, 18, 28, 29 and 31 have been amended. Applicant respectfully asserts that the amendments to the claims add no new matter.

#### Allowable Subject Matter

The Office Action stated that claims 22-25 are allowed. Applicant thanks the Examiner for identifying patentable subject matter in the allowed claims.

#### CLAIM REJECTIONS

##### 35 U.S.C. § 101 Rejections

The Office Action rejected claims 1-13 and 28 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant respectfully asserts that the rejection has been overcome in view of the amendments made above and the remarks that follow. Specifically, claims 1, 2, 6-8, 13 and 28 have been amended to recite an act of producing something that is concrete, tangible and useful. See AT&T, 172 F3d at 1358, 50 USPQ2d 1452 and MPEP 2106. More specifically, claims 1, 2, 6-8, 13 and 28, as amended, recite methods that produce a quantized signal, which is useful. Therefore, claims 1, 2, 6-8, 13 and 28 now include statutory subject matter.

APPLICANT(S): Yellin, Daniel  
SERIAL NO.: 09/493,004  
FILED: January 28, 2000  
Page 10

Applicant respectfully asserted that all dependent claims from amended independent claims 1, 6, and 28 are render proper under 35 U.S.C. § 101 by virtue of at least such dependency.

Accordingly, Applicant respectfully requests that the rejection of claims 1-13 and 28 under 35 U.S.C. § 101 be withdrawn.

### 35 U.S.C. § 112 Rejections

The Office Action rejected claims 1-3, 5-14, 18, 21 and 28-32 under 35 U.S.C. § 112, second paragraph, as being indefinite in practically point out and distinctly claim the subject matter that though by the Action as Applicant's invention.

Claims 1-2, 6, 14, 18, 28-29 and 31 have been amended to overcome the rejections. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history stopple.

The Office Action rejected Claims 3, 6-13, 21, 30 and 32 because they dependency from based rejected claims. Applicant respectfully asserts that these claims render proper under 35 U.S.C. § 112, second paragraph by virtue of such dependency.

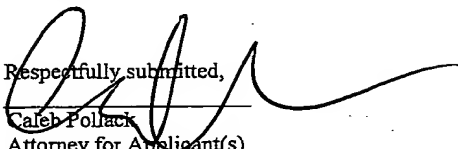
Applicants respectfully assert that these amendments render claims -3, 5-14, 18, 21 and 28-32 render proper under 35 USC 112 and request that the rejections be withdrawn.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

APPLICANT(S): Yellin, Daniel  
SERIAL NO.: 09/493,004  
FILED: January 28, 2000  
Page 11

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,

  
Caleb Pollack

Attorney for Applicant(s)  
Registration No. 37,912

Dated: July 21, 2004

**Eitan, Pearl, Latzer & Cohen Zedek, LLP.**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3489